

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Chico Rhasiatry,

Case No. 5:11 CV 891

Petitioner,

MEMORANDUM OPINION
AND ORDER

-vs-

JUDGE JACK ZOUHARY

Akron Police Department, et al.,

Respondents.

On May 5, 2011, *pro se* Petitioner Chico Rhasiatry, an inmate at the Summit County Jail, filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 (Doc. No. 1). The Petition does not contain grounds for relief, but instead, in the section that asks Petitioner to identify the “Nature of offense,” states the following: “Denial of Due Process, Jurisdiction, Subject Matter, Obstruction of Justice, Conspiracy, Title 18 USC 241 & 242, Denial of 5th Amendment, 7th Amendment, etc.” An Amendment to Petition for Writ of Habeas Corpus (Doc. No. 3) also asserts the state trial court lacks jurisdiction. For the reasons stated below, the Petition is denied and this action is dismissed.

A federal court may entertain a habeas petition filed by a person in state custody only on the ground that he is in custody in violation of the Constitution, laws, or treaties of the United States. 28 U.S.C. § 2254(a). In addition, petitioner must have exhausted all available state remedies. 28 U.S.C. § 2254(b).

Petitioner does not indicate any of the circumstances of his detention, including whether he has been convicted. Further, it is evident from the face of the Petition that he has not yet appealed any of the issues sought to be raised in this case. Thus, without regard to the potential merits of any grounds he might seek to assert, the Petition is premature.

Accordingly, this action is dismissed without prejudice pursuant to Rule 4 of the Rules Governing Section 2254 Cases. Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis on which to issue a certificate of appealability. Federal Appellate Rule 22(b); 28 U.S.C. § 2253.

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

June 28, 2011